

BEFORE THE DEPARTMENT OF INSURANCE
STATE OF NEBRASKA

DEC 14 2004

FILED

STATE OF NEBRASKA)
DEPARTMENT OF INSURANCE,)
)
PETITIONER,)
)
VS.)
)
FRANKIE TONY FERNANDEZ,)
)
RESPONDENT.)

CONSENT ORDER

CAUSE NO. A-1600

Jan 12, 2005 ACCT# 8521 \$1,000.00
NO-INVOICE TRANS 1397843
FERNANDEZ, FRANKIE TONY
CHECK# 1106

In order to resolve this matter, the Nebraska Department of Insurance ("Department"), by and through its attorney, Janette L. Adair, and Frankie Tony Fernandez ("Respondent"), mutually stipulate and agree as follows:

JURISDICTION

1. The Department has jurisdiction over the subject matter and Respondent pursuant to Neb. Rev. Stat. §§44-101.01 (Reissue 1998), and §44-4047 et seq. (R.S.SUPP.,2002).

2. Respondent was licensed as an insurance agent under the laws of Nebraska at all times material hereto.

STIPULATIONS OF FACT

1. The Department initiated this administrative proceeding by filing a petition styled State of Nebraska Department of Insurance vs. Frankie Tony Fernandez, Cause Number A-1600 on October 15, 2004. A copy of the petition was served upon the Respondent at the Respondent's address registered with the Department by certified mail, return receipt requested.

2. Respondent violated Neb. Rev. Stat. §44-4059(1)(b) (R.S.SUPP.,2002), Neb. Rev. Stat. §44-4059(1)(h) (R.S.SUPP.,2002), and Neb. Rev. Stat. §44-317 (R.S.SUPP.,2002) as a result of the following conduct:

- a. On or about November 19, 2002, Respondent obtained a loan from insurance client Hulda Swanson in the amount of \$3,500.00.
- b. On or about December 5, 2002, Respondent obtained a loan from insurance client Hulda Swanson in the amount of \$1,500.00.
- c. Respondent agreed to repay Ms. Swanson for the loans before February, 2003. To date, Respondent has failed to make any payments to Ms. Swanson.

2. Respondent was informed of his right to a public hearing. Respondent waives that right, and enters into this Consent Order freely and voluntarily. Respondent understands and acknowledges that by waiving his right to a public hearing, Respondent also waives his right to confrontation of witnesses, production of evidence, and judicial review.

3. Respondent admits the allegations stated in Paragraph 2.

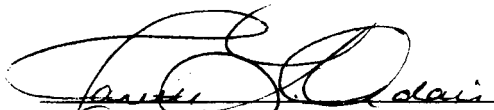
CONCLUSIONS OF LAW

Respondent's conduct as alleged above constitutes a violation of Neb. Rev. Stat. §44-4059(1)(b) (R.S.SUPP.,2002), Neb. Rev. Stat. §44-4059(1)(h) (R.S.SUPP.,2002), and Neb. Rev. Stat. §44-317 (R.S.SUPP.,2002).

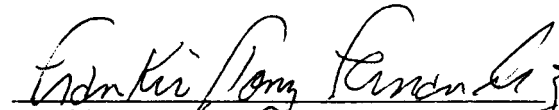
CONSENT ORDER

It is therefore ordered by the Director of Insurance and agreed by Respondent, Frankie Tony Fernandez, that Respondent shall pay an administrative fine in the amount of one thousand dollars (\$1000.00), due within 30 days after the Director of Insurance or his designee approves and signs this consent order. If Respondent fails to pay the amount required under this consent order, within the time specified, Respondent's Nebraska

insurance producers license shall automatically be revoked. In witness of their intention to be bound by this Consent Order, each party has executed this document by subscribing his signature below.


Janette L. Adair, #22618
Attorney for Petitioner
941 "O" Street, Suite 400
Lincoln, NE 68508
(402) 471-2201

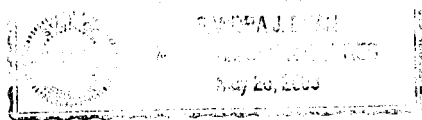
12-10-04
Date

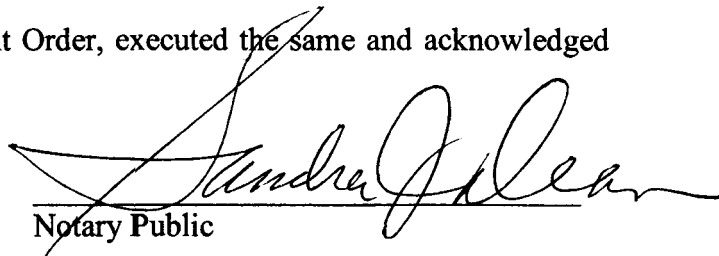

Frankie Tony Fernandez,
Respondent

12-7-04
Date

State of Nebraska)
County of Lincoln) ss.

On this 7th day of December, 2004, Frankie Tony Fernandez personally appeared before me and read this Consent Order, executed the same and acknowledged the same to be his voluntary act and deed.

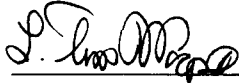



Notary Public

CERTIFICATE OF ADOPTION

I hereby certify that the foregoing Consent Order is adopted as the Final Order of the Nebraska Department of Insurance in the matter of State of Nebraska Department of Insurance vs. Frankie Tony Fernandez, Cause No. A-1600.

STATE OF NEBRASKA
DEPARTMENT OF INSURANCE



L. TIM WAGNER
Director of Insurance

12/14/04
Date

CERTIFICATE OF SERVICE

I hereby certify that a copy of the executed Consent Order was sent to the Respondent, at 1420 Old Farm Road #57, Lincoln, Nebraska 68512, by certified mail, return receipt requested on this 10th day of December, 2004.

